

State Water Resources Control Board

Division of Drinking Water

January 18, 2017

System No. 3500527

Ms. Yolanda Torres
P. O. Box 1070
Hollister, CA 95024

CITATION NO. 02_05_17C_001 FOR NONCOMPLIANCE WITH COMPLIANCE ORDER NO. 02_05_16R_002

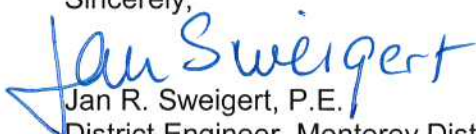
Enclosed is a Citation issued to the Valenzuela Water System (hereinafter "Valenzuela WS") public water system for noncompliance with Compliance Order NO. 02_05_16R_002 issued on August 22, 2016. The Citation includes an administrative penalty of \$500.

The Valenzuela WS will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Board has spent approximately two hours on enforcement activities associated with this violation.

The Valenzuela WS will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Valenzuela WS for the current fiscal year.

If you have any questions regarding this matter or would like to request electronic format of enclosed forms, please contact Shaminder Kler of my staff at (831) 655-6938 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures: Citation 02_05_17C_001
Compliance Action Plan Template

Certified Mail No. 7008 1830 0004 5435 2718

cc: San Benito County Environmental Health Department
Yolanda Torres - by regular mail

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Valenzuela Water System

Water System No: 3500527

Attention: Ms. Yolanda Torres
P. O. Box 1070
Hollister, CA 95024

Issued: January 18, 2017

**CITATION FOR NONCOMPLIANCE
WITH COMPLIANCE ORDER NO. 02_05_16R_002**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the Valenzuela Water

System (hereinafter "Valenzuela WS") for failure to comply with directives outlined in Compliance Order No. 02_05_16R_002.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference. Appendix 2 includes excerpts from Compliance Order No. 02_05_16R_002.

STATEMENT OF FACTS

Valenzuela WS is classified as a community water system, which serves an estimated population of 55 persons through 17 service connections.

The Division issued Compliance Order No. 02_05_16R_002 on August 22, 2016 to Valenzuela WS, due to the exceedance of the hexavalent chromium maximum contaminant level (MCL) in Well 01 based on the running annual average (RAA) of quarterly monitoring results. As of the 2nd quarter 2016, the RAA for Well 01 was 0.015 mg/L, averaged over a four quarter period, which exceeded the hexavalent chromium MCL of 0.010 mg/L.

Valenzuela WS has not complied with the following directives included in Compliance Order 02_05_16R_002:

Directive 2 required Valenzuela WS to submit a written response to the Division by September 30, 2016, indicating its agreement to comply with the directives of the Compliance Order No. 02_05_16R_002 and with the Corrective Action Plan. To date, the Division has not received a written response from Valenzuela WS.

1 Directives 3, 4 and 5 required Valenzuela WS to provide quarterly public
2 notification during any calendar quarter that the four-quarter RAA
3 exceeds the MCL, submit the public notice to the Division for approval
4 prior to distribution, and submit proof of each public notification within 10
5 days following each such notification. To date, the Division has not
6 received evidence that the public notification was completed, has not
7 received a public notification for approval, and has not received the
8 required proof of public notification form from Valenzuela WS.

9
10 Directives 7 and 8 required Valenzuela WS to prepare a corrective
11 action plan that identifies improvements to the System designed to
12 correct the water quality problem (violation of the hexavalent chromium
13 MCL) and to present the corrective action plan to the Division in person
14 on or before October 31, 2016. To date, the Division has not received
15 the corrective action plan and Valenzuela WS has not presented the
16 plan in person.

17
18 Directive 12 required Valenzuela WS to notify the Division in writing no
19 later than 5 days prior to the deadline for any directive if Valenzuela WS
20 anticipates it cannot meet the deadline. To date, the Division has not
21 received any written notification from Valenzuela WS of its inability to
22 meet the above deadlines.

23
24 The running annual average of quarterly monitoring results for hexavalent
25 chromium in Well 01 shows Valenzuela WS continues to be in violation of the
26 hexavalent chromium MCL of 0.010 mg/L, based on the following monitoring
27 results submitted to the Division to date:

Monitoring Period	Date Sampled	Hexavalent Chromium mg/L	RAA mg/L
3 rd Quarter, 2015	7/15/2015	0.012	
4 th Quarter, 2015	10/8/2015	0.016	
1 st Quarter, 2016	1/11/2016	0.010	
2 nd Quarter, 2016	4/6/2016	0.021	0.015
3 rd Quarter, 2016	7/12/2016	0.021	0.017
4 th Quarter, 2016	10/11/201	0.021	0.018

DETERMINATION

Based on the statement of facts above, the Division has determined that Valenzuela WS has violated Directives 2, 3, 4, 5, 7, 8, and 12 of Compliance Order No. 02_05_16R_002.

PENALTY

Pursuant to CHSC Section 116650, the State Board hereby assesses upon Valenzuela WS an administrative penalty in the amount of \$500.00. Valenzuela WS is directed to pay this penalty in accordance with the requirements set forth in Directive 13 of this citation.

DIRECTIVES

The Valenzuela WS is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64431 and remain in compliance.
2. On or before **February 15, 2017**, submit a written response to the Division indicating its agreement to comply with the directives of this Citation and with the Corrective Action Plan addressed herein.

1 3. Commencing on the date of service of this Citation, provide quarterly
2 public notification pursuant to CCR, Title 22, Section 64463.4, during
3 any calendar quarter that the four-quarter RAA exceeds the MCL.
4 Appendix 3: Notification Template may be used to fulfill this directive.
5 The distribution of the notification must be completed by the following
6 methods:

- 7 (a) Direct distribution by hand delivery or direct mailing
8 (b) Posting in conspicuous public places served by the water
9 system

10 The first distribution of the notification must be completed by **February**
11 **10, 2017** and must include notification for the hexavalent chromium MCL
12 exceedances in the 2nd, 3rd, and 4th calendar quarters of 2016.

13
14 4. The notice must be submitted to the Division for approval prior to
15 distribution.

16
17 5. Commencing on the date of service of this Citation, submit proof of
18 each public notification conducted in compliance with Directive No. 3,
19 herein above, within 10 days following each such notification, using the
20 form provided as Appendix 4 hereto.

21
22 6. Commencing on the date of service of this Citation, continue to collect
23 quarterly samples for hexavalent chromium from Well 01, as required
24 by Section 64432(a) and (g), and ensure that the analytical results are
25 reported to the Division electronically by the analyzing laboratory no
26 later than the 10th day following the month in which the analysis was
27 completed.

1 7. Prepare a Corrective Action Plan for Division approval that identifies
2 improvements to the System designed to correct the water quality
3 problem (violation of the hexavalent chromium MCL) and ensure that
4 the System delivers water to consumers that meets primary drinking
5 water standards. The plan shall include a time schedule for completion
6 of each of the milestones of the project which may include but are not
7 limited to planning, design, construction, and startup, and a date as of
8 which the System will be in compliance with the hexavalent chromium
9 MCL at Well 01. The date of compliance with the hexavalent chromium
10 MCL at Well 01 shall be no later than **December 31, 2019**. A template
11 that can be used for a Corrective Action Plan is enclosed for your
12 information.

13
14 8. On or before **April 10, 2017**, present the Corrective Action Plan
15 required under Directive No. 7, above, to the Division in person at the
16 Division's offices located at 1 Lower Ragsdale Drive, Building 1, Suite
17 120, in Monterey, California. Please contact the Monterey District
18 office in advance to schedule an appointment.

19
20 9. Complete the Division-approved Corrective Action Plan and each and
21 every element of said plan according to the time schedule set forth
22 therein.

23
24 10. On or before **July 10, 2017** and every three months thereafter, submit
25 a report to the Division showing actions taken during the previous
26 calendar three months to comply with the Corrective Action Plan, using
27 the form provided as Appendix 5 hereto.

1
2 11. Not later than ten (10) days following the date of compliance with the
3 hexavalent chromium MCL as specified in the Corrective Action Plan
4 required in Directive 7, demonstrate to the Division that the water
5 delivered by the System's Well 01 complies with the hexavalent
6 chromium MCL.

7
8 12. Notify the Division in writing no later than five (5) days prior to the
9 deadline for performance of any Directive set forth herein if the System
10 anticipates it will not timely meet such performance deadline.

11
12 13. Submit to the State Board by **February 20, 2017**, a check for the
13 administrative penalty of \$500.00 imposed by this Citation and a copy of
14 the form which is attached as Appendix 6, hereto entitled "Notice of
15 Administrative Penalty." The Citation number shall be written on the
16 check. The check shall be made payable to the State Water Resources
17 Control Board and submitted to:

18
19 SWRCB Accounting Office
20 ATTN: Drinking Water Program Fees
21 P.O. Box 1888
22 Sacramento, CA 95812-1888
23

24 All submittals required by this Citation shall be electronically submitted to the
25 Division at the following address. The subject line for all electronic submittals
26 corresponding to this citation shall include the following information: Water
27 System name and number, citation number and title of the document being
28 submitted.
29

1 Jan Sweigert, P.E.

2 District Engineer, Monterey District Office

3 Dwpdist05@waterboards.ca.gov

4
5 The State Board reserves the right to make such modifications to this Citation
6 as it may deem necessary to protect public health and safety. Such
7 modifications may be issued as amendments to this Citation and shall be
8 effective upon issuance.

9
10 Nothing in this Citation relieves the Valenzuela WS of its obligation to meet the
11 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
12 commencing with Section 116270), or any regulation, standard, permit or order
13 issued or adopted thereunder.

14
15 **PARTIES BOUND**

16 This Citation shall apply to and be binding upon the Valenzuela WS its owners,
17 shareholders, officers, directors, agents, employees, contractors, successors,
18 and assignees.


19
20 **SEVERABILITY**

21 The directives of this Citation are severable, and the Valenzuela WS shall
22 comply with each and every provision thereof notwithstanding the effectiveness
23 of any provision.

24
25 **FURTHER ENFORCEMENT ACTION**

26 The California SDWA authorizes the State Board to: issue a citation or order
27 with assessment of administrative penalties to a public water system for

1 violation or continued violation of the requirements of the California SDWA or
2 any regulation, permit, standard, citation, or order issued or adopted thereunder
3 including, but not limited to, failure to correct a violation identified in a citation or
4 compliance order. The California SDWA also authorizes the State Board to
5 take action to suspend or revoke a permit that has been issued to a public
6 water system if the public water system has violated applicable law or
7 regulations or has failed to comply with an order of the State Board, and to
8 petition the superior court to take various enforcement measures against a
9 public water system that has failed to comply with an order of the State Board.
10 The State Board does not waive any further enforcement action by issuance of
11 this Citation.

12
13
14 
15 Stefan Cajina, P.E., Chief
16 North Coastal Section
17 State Water Resources Control Board
18 Division of Drinking Water
19

Jan 18, 2017
Date



20 Appendices:

- 21
22 1. Applicable Statutes and Regulations
23 2. Applicable Excerpts from Compliance Order No.
24 02_05_16R_002
25 3. Notification Template
26 4. Proof of Public Notification Form
27 5. Corrective Action Plan Compliance Quarterly Reporting Form
28 6. Notice of Administrative Penalty Form
29

30 Certified Mail No. 7008 1830 0004 5435 2718

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 (Transition of CDPH duties to State Board) states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116650 (Citations) states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed

effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116555 (Operational Requirements) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

California Code of Regulations, Title 22 (CCR):

Section 64463.4 (Tier 2 Public Notice) states:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
- (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
- (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

Section 64465 (Public Notice Content and Format) states in relevant part:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
 - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
- (2) For a Tier 2 or Tier 3 public notice:
 - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
 - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
 1. Information in the appropriate language(s) regarding the importance of the notice; or
 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
 - (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-D (Health Effects Language - Inorganic Contaminants) states in relevant part:

Contaminant	Health Effects Language
Hexavalent chromium	Some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.

Section 64431 (Maximum Contaminant Levels--Inorganic Chemicals) states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 µm in length.

Section 64432 (Monitoring and Compliance--Inorganic Chemicals) states in relevant part:

- (a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), and (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993. (b) If personnel other than certified operators will be performing field tests and/or collecting samples, the sample siting plan shall include a declaration that such personnel have been trained, pursuant to §64415 (b).
- (g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:
 - (1) Inform the State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
 - (2) Inform the State Board within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.
- (i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

APPENDIX 2. EXCERPTS FROM COMPLIANCE ORDER NO. 02_05_16R_002

Compliance Order No. 02_05_16R_002, Dated August 22, 2016:

Page 4, (Directive 2):

2. *On or before September 30, 2016, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.*

Page 4, (Directive 3):

3. *Commencing on the date of service of this Order, provide quarterly public notification pursuant to CCR, Title 22, Section 64463.4, during any calendar quarter that the four-quarter RAA exceeds the MCL. Appendix 2: Notification Template may be used to fulfill this directive. The distribution of the notification must be completed by the following methods:*
 - (a) *Direct distribution by hand delivery or direct mailing*
 - (b) *Posting in conspicuous public places served by the water system*

Page 4, (Directive 4):

4. *The notice must be submitted to the Division for approval prior to distribution.*

Page 5, (Directive 5):

5. *Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Appendix 3 hereto.*

Page 5, (Directive 7):

7. *Prepare a Corrective Action Plan for Division approval that identifies improvements to the System designed to correct the water quality problem (violation of the hexavalent chromium MCL) and ensure that the System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the milestones of the project which may include but are not limited to planning, design, construction, and startup, and a date as of which the System will be in compliance with the hexavalent chromium MCL at Well 01. The date of compliance with the hexavalent chromium MCL at Well 01 shall be no later than December 31, 2019.*

Page 5, (Directive 8):

8. *On or before October 31, 2016 present the Corrective Action Plan required under Directive No. 6, above, to the Division in person at the Division's offices located at 1 Lower Ragsdale Drive, Building 1, Suite 120, in Monterey, California. Please contact the Monterey District office in advance to schedule an appointment.*

Page 6, (Directive 12):

12. *Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the System anticipates it will not timely meet such performance deadline.*

APPENDIX 3. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Valenzuela Water System Has Levels of Hexavalent Chromium Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Compliance for Hexavalent Chromium is determined by a running annual average (RAA) of quarterly sample results. Water sample results received on [dates] showed hexavalent chromium levels of [level and units] for an RAA of [redacted]. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *Some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.* If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).

- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Valenzuela water system

State Water System ID: **3500527**

Date distributed: _____

APPENDIX 4. COMPLIANCE CERTIFICATION

Citation No. 02_05_17C_001

Name of Water System: Valenzuela Water System

System Number: 3500527

Certification

I certify that the users of the water supplied by this water system were notified of the violations of California Code of Regulations, Title 22, as indicated below:

Required Action	Date Completed
Mail or Direct delivery of notice	
Posting in conspicuous public places served by the water system	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE BOARD, DIVISION OF DRINKING WATER

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 5. QUARTERLY PROGRESS REPORT

Water System: Valenzuela Water System	Water System No: 3500527
Violation: Hexavalent Chromium MCL Violation	
Calendar Quarter:	Date Prepared:

Summary of Compliance Plan

--

Tasks Completed in the Quarter

--

Tasks Remaining to Complete

--

Anticipate Compliance Date:

--

System Representative Name & Title: _____**System Representative Signature:** _____

This form should be prepared and signed by the water system personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress must be submitted by the 10th day of the month following the end of each subsequent quarter.

APPENDIX 6. NOTICE OF ADMINISTRATIVE PENALTY FORM

STATE OF CALIFORNIA
DIVISION OF DRINKING WATER

STATE WATER RESOURCES CONTROL BOARD

Notice of Administrative Penalty

System Name: Valenzuela WS

System Number: 3500527

Background

During the month of January 2017, the Division of Drinking Water issued Citation Number **02_05_17C_001** to the Valenzuela Water System. The citation carried a civil penalty in the amount of \$500.00.

Method of Payment

A check for the total amount of the civil penalty and a copy of this form shall be submitted to the Division by **February 20, 2017**. The citation number shall be written on the check, the check made payable to the **State Water Resources Control Board**, and submitted to:

SWRCB Accounting Office
ATTN: Drinking Water Program Fees
P.O. Box 1888
Sacramento, CA 95812-1888

Attach check below:

Hexavalent Chromium Corrective Action Plan

Date of Plan:

Name of Water System:

Water System ID#:

The water system is currently out of compliance with the hexavalent chromium standard. In order to come into compliance, the water system will need to choose a method, secure funding, and install improvements. The final deadline for compliance is **December 31, 2019**. This plan will detail the steps and timeline that the water system will follow for meeting this deadline. A progress report is required to be submitted to the Division of Drinking Water Monterey Office every three months (January 10, April 10, July 10 and October 10) detailing all progress that has been made to date, the status of compliance with the timeline, and any requested changes (with reason for request) to the timeline.

The initial plan will be due April 10, 2017 and shall contain all information known at that time for different compliance options. If adequate information is not available at that time to make a decision about each compliance option, the plan shall include a schedule for making a determination

A. COMPLIANCE OPTIONS: The following are general options for compliance with the arsenic standard. Consider each option and document your findings. The questions are only a guide to help you analyze each option.

1. Consolidate with or purchase water from another system in compliance with water quality standards (How close is the nearest system(s)? Is the system(s) willing to consolidate/sell water? Why or why not (include correspondence)? What are the costs? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

2. Drill a new well (what is the water quality/quantity of nearby wells? Location available? What are the costs? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

3. Treatment (What vendors/engineers have been contacted? What technologies have been considered? Can the system blend with a compliant well? Has treatment discharge or spent media disposal been evaluated? Have potential interfering constituents been considered? Are you doing any testing for interfering constituents? What are the costs of installation and operations? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

4. Other (including a combination of options)?

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

After consideration of available options, what is your preferred option?

☐

- ☐ not yet determined (the time line to make a determination needs to be included in the Section D below. Funding for a feasibility study to determine preferred option may be available through the State Water Resource Control Board –see item C.2.b.

B. IMPLEMENTATION OF COMPLIANCE OPTION

Once the preferred compliance option has been determined, complete the information below

1. What progress has been made towards implementing chosen compliance option (check and complete information under chosen option. The questions are only a guide. Please detail all information known to date and what additional information is needed.-the timeline for completion shall be detailed in section D)

- ☐ Consolidate with or purchase water from another system in compliance with water quality standards: What progress has been made? For example: Has agreement been signed, easements secured, engineer hired for plans, plans developed, installation started, etc?
- ☐ Drill a new well: What progress has been made? For example: Has site been secured, well construction permit received, well drilled, testing completed?
- ☐ Treatment: What progress has been made? For example: Has technology been determined, waste disposal location determined, engineer hired, plans developed, installation started, etc?
- ☐ Other: What is it and what progress has been made?

C. FUNDING:

1. Do you have existing funding available? ☐yes ☐no ☐partial
2. If you do not have full funding available, what is your plan to secure full funding?
 - a. Rate Increase or special assessment? ☐yes ☐no ☐not yet determined
 - b. Apply to the State Water Resource Control Board Funding Program (funding opportunities may include low interest loans, and partial or full grants depending on eligibility) at:

http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/DWPfunding.shtml

- ☐ Applied - date of application:
Have you received a response? ☐yes ☐no If yes, attach copy
- ☐ Don't plan to apply

- D. **TIMELINE:** The timeline shall include milestones for determining compliance option, implementing option (design, construction, startup), and securing funding. The final date for achieving compliance is **December 31, 2019**. A progress report will be due each January 10, April 10, July 10 and October 1, and must show adequate progress towards compliance to avoid further enforcement action

Date:

Milestone: Determine compliance option (detail timeline in Section A)

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Report submitted by:

Name _____

Date: _____

Signature: _____